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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,756	12/12/2001	Hyung-Chul Kim	678-0690	8686
66547 7590 11/24/2008 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553				
EXAMINER				
LASTRA, DANIEL				
ART UNIT		PAPER NUMBER		
3688				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/020,756

Applicant(s)

KIM, HYUNG-CHUL

Examiner

DANIEL LASTRA

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3 and 5-11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-3 and 5-11 have been examined. Application 10/020,756 (METHOD FOR DISPLAYING ADVERTISEMENT USING SHORT MESSAGE SERVICE IN A PORTABLE MOBILE TERMINAL) has a filing date 12/12/2001 and foreign priority 12/30/2000.

Response to Amendment

2. In response to Non Final Rejection filed 06/06/2008, the Applicant filed an Amendment on 09/02/2008, which amended claims 1, 5, 6, 11 and cancel claim 4.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chern (US 6,381,465) in view of Bomze (US 2003/0181201) and further in view of Alberts (US 5,937,392).

Claim 1, Chern teaches:

A method for reducing a call fee by improving the efficiency of mobile communication by utilizing a short message service (SMS) in a portable mobile terminal to display an advertisement, comprising the steps of:

receiving an SMS message from an SMS-based advertisement service provider (see col 13, lines 35-65); and

displaying the advertisement data on the portable mobile terminal (see col 13, lines 35-65). Chern fails to teach and storing advertisement data and advertisement schedule data extracted from the SMS message and displaying the advertisement according to the schedule data at a time according to the advertisement schedule data *wherein the advertisement schedule data includes start time information of the advertisement, expiration time information of the advertisement and display day information of the advertisement*. However, Bomze teaches storing advertisement schedule data in a mobile terminal and adding meta information to said advertisement for displaying advertisements in said mobile terminal according to a planned presentation of the advertisement dependent or independent of user's action in the mobile device (see paragraph 41) and Alberts teaches that it is old and well known in the promotion art to add meta information to advertisements in order to add to said advertisement a planned presentation for displaying said advertisements such as start time, end time and display day of said advertisements (see col 3, lines 25-67; figure 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would store advertisements' schedule data in a mobile terminal and would display said advertisements at a time according to said schedule data, as taught by Bomze and Alberts in order to display advertisements in a portable terminal based upon the time of occurrence of an event and/or based upon a start time, end time and display day.

Claim 2, Chern teaches:

accessing a server of the SMS based advertisement service provider to select a desired advertisement and a desired advertisement time (see col 13, lines 50-65); and

Chern fails to teach sending a phone number of the portable mobile terminal to the server for subscribing the SMS advertisement service. However, Bomze teaches using the phone number of a mobile device for purpose of targeting ads to said device (see paragraph 40). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would use the mobile subscriber's phone number, as taught by Bomze in order to identify mobile users and therefore, target ads to said subscriber based upon said identification.

Claim 3, Chern teaches:

wherein an SMS message includes an advertisement identifier (Ad 1D) indicating that the SMS message is an advertisement message (see col 13, lines 40-50).

Claim 5, Chern fails to teach:

wherein the advertisement schedule data further comprises: rotation time information of the advertisement; and display duration time information of the advertisement. However, Bomze and Alberts teach storing advertisement schedule data in a mobile terminal and displaying advertisements according to said schedule data, where said schedule data includes rotation time information (see Bomze paragraph 45; see Alberts col 3, lines 60-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 5.

Claim 6, Chern teaches:

A method for providing an advertisement using an SMS service in a portable mobile terminal, comprising the steps of

accessing a server of an SMS-based advertisement service provider to select at least one desired advertisement and at least one desired advertisement time and to input a phone number of the portable mobile terminal for receiving data related to a selected advertisement (see col 12, lines 5-30; col 13, lines 35-65);

receiving the selected advertisement data (see col 13, lines 35-50)

storing the received advertisement data in a memory of the portable mobile terminal in a predetermined advertisement data format (see col 13, lines 35-50) but fails to teach receiving an associated advertisement schedule corresponding to the at least one desired advertisement time from the server and storing the received advertisement schedule data in the memory of the portable mobile terminal in a predetermined advertisement schedule data format *wherein the advertisement schedule data includes start time information of the advertisement, expiration time information of the advertisement and display day information of the advertisement.* However, Bomze teaches storing advertisement schedule data in a mobile terminal and adding meta information to said advertisement for displaying advertisements in said mobile terminal according to a planned presentation of the advertisement dependent or independent of user's action in the mobile device (see paragraph 41) and Alberts teaches that it is old and well known in the promotion art to add meta information to advertisements in order to add to said advertisement a planned presentation for displaying said advertisements such as start time, end time and display day of said advertisements (see col 3, lines 25-

67; figure 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would store advertisements' schedule data in a mobile terminal and would display said advertisements at a time according to said schedule data, as taught by Bomze and Alberts in order to display advertisements in a portable terminal based upon the time of occurrence of an event and/or based upon a start time, end time and display day.

Claim 7, Chern fails to teach:

displaying the selected advertisement data according to the advertisement schedule data and returning to an initial screen mode after displaying the advertisement for a specified time according to the advertisement schedule data. However, Bomze and Alberts teach storing advertisement schedule data in a mobile terminal and displaying advertisements according to said schedule data (see Bomze paragraph 45; see Alberts col 3, lines 25-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would store advertisements' schedule data in a mobile terminal, as taught by Bomze and Alberts and would return the mobile terminal to an initial screen mode after displaying ads in said terminal in order to allow users to continue using said mobile terminal after said displaying.

Claim 8, Chern fails to teach:

where the advertisement schedule data comprises start and expiration day information for the advertisement, display day information for the advertisement, and

display duration tune information for the advertisement. However, the same rejection applied to claim 1 regarding this missing limitation is also applied to claim 8.

Claim 9, Chern fails to teach:

further comprising a rotation time information for the advertisement schedule data if the selected advertisement time overlaps with at least one other selected advertisement time. However, Bomze and Alberts teach storing advertisement schedule data in a mobile terminal and displaying advertisements in said mobile terminal according to said schedule data, where said schedule data includes rotation time information (see Bomze paragraph 45; Alberts col 3, lines 55-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 9.

Claim 10, Chern fails to teach:

further comprising the step of alternatively displaying at least two advertisements in rotation according to the rotation time information. However, Bomze and Alberts teach storing advertisement schedule data in a mobile terminal and displaying advertisements in said mobile terminal according to said schedule data, where said schedule data includes rotation time information (see Bomze paragraph 45; Alberts col 3, lines 55-67). Therefore, the same argument made in claim 1 regarding this missing limitation is also made in claim 10.

Claim 11, Chern teaches:

A method for displaying an advertisement using an SMS service in a portable mobile terminal, comprising the steps of

(a) checking an advertisement identifier (Ad ID) of a received message to determine whether the received message is an advertisement message (see col 14, lines 20-40);

(b) parsing, if the received message is found to be an advertisement message, advertisement data from advertisement schedule data and storing the parsed advertisement data (see col 14, lines 20-40) but fails to teach an advertisement schedule data in a memory;

(c) utilizing the stored advertisement schedule data to determine whether to insert scheduled advertisement data into a display list;

(d) checking the advertisement schedule data to determine whether to delete expired advertisement data from the display list; and

(e) determining and displaying the advertisement data in the display list at a time according to the advertisement schedule data *wherein the advertisement schedule data includes start time information of the advertisement, expiration time information of the advertisement and display day information of the advertisement*. However, Bomze teaches storing advertisement schedule data in a mobile terminal and adding meta information to said advertisement for displaying advertisements in said mobile terminal according to a planned presentation of the advertisement dependent or independent of user's action in the mobile device (see paragraph 41) and Alberts teaches that it is old and well known in the promotion art to add meta information to advertisements in order to add to said advertisement a planned presentation for displaying said advertisements such as start time, end time and display day of said advertisements (see col 3, lines 25-

67; figure 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Chern would store advertisements' schedule data in a mobile terminal and would display said advertisements at a time according to said schedule data, as taught by Bomze and Alberts in order to display advertisements in a portable terminal based upon the time of occurrence of an event and/or based upon a start time, end time and display day.

Response to Arguments

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James W. Myhre can be reached on (571)272-6722. The official Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Examiner, Art Unit 3688
November 20, 2008